

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF MARYLAND**

SYDELLE GOLDWURM, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL TRUST,  
INC., *et al.*,

Defendants.

Case No. 1:12-cv-03516-JKB

**MOTION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Fed. R. Civ. P. 65(a), Sydelle Goldwurm (“Plaintiff”) moves the Court for a temporary restraining order (“TRO”) to enjoin the shareholder vote on the proposed acquisition of American Realty Trust, Inc. (“ARCT” or the “Company”) by Tau Acquisition LLC (“Merger Sub”), a wholly-owned subsidiary of Realty Income, Corp. (collectively “Realty Income”), (the “Proposed Transaction”) to take place on January 16, 2013.

Plaintiff submits the accompanying Memorandum of Law In Support of Plaintiff’s Motion for Temporary Restraining Order.

Dated: January 11, 2013

**DEHAY & ELLISTON LLP**

By: /s/ Patrick C. Smith  
Patrick C. Smith (Bar No. 02054)  
36 South Charles Street  
Suite 1300  
Baltimore, Maryland 21201  
psmith@dehay.com  
Telephone: 410-783-7225  
Facsimile: 410-783-7221

*Of Counsel:*

**FARUQI & FARUQI, LLP**

Juan E. Monteverde  
369 Lexington Ave., Tenth Floor  
New York, NY 10017  
Telephone: (212) 983-9330  
Facsimile: (212) 983-9331